



Human Rights Division

**Legislative Recommendations within the
Human Rights Act and
Housing Discrimination Act**

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The Department of Labor is required to publish in even-numbered years a written report recommending legislative or other action to carry out the purposes of the Human Rights Act and the Housing Discrimination Act under N.D.C.C § 14-02.4-22 and N.D.C.C. § 14-02.5-15. This report is intended to meet these requirements.

2009 Legislative Recommendations

The Department of Labor recommends legislative approval of bills to carry out the purposes of the Human Rights Act and the Housing Discrimination Act as follows:

1. HB 1007 is the bill number for the Department of Labor agency budget. The agency budget provides the funding necessary for the department to continue its human rights enforcement activities and educational activities. The budget includes a request for an additional FTE for a Compliance Investigator II. The budget also includes a request for funds for a discrimination study.
2. HB 1106 is a pre-filed Department of Labor agency bill which would amend and reenact section 14-02.5-44 of the Housing Discrimination Act. The bill proposes to limit the discretion of judges by adding provisions which require that attorney's fees and court costs will only be assessed against the Department of Labor in instances where the department acted without substantial justification in bringing a court action.
3. HB 1092 is a pre-filed Department of Labor agency bill which would amend and reenact subsection 5 of section 14-02.4-02 of the Human Rights Act. The bill proposes to broaden the definition of disability to be consistent with the interpretation of disability under the Americans with Disabilities as amended by the ADA Amendments Act of 2008.

Staff Training

The Human Rights Director and all compliance investigators attend and complete coursework at the National Fair Housing Training Academy in order to become certified fair housing investigators. Thus far, the Human Rights Director and five of the department's six compliance investigators have completed the five week program. All of the Human Rights Division staff has completed basic training in civil mediation, with the exception of a recently hired compliance investigator, and will continue to attend training as necessary to keep their skills current.

Educational Activities

Educating the public about human rights is important to carrying out the declared purpose of the Human Rights Act and Housing Discrimination Act. The Department's actions in this area will include:

- Maintaining the department's current education materials, which include: posters, brochures and materials available on the department's website.
- Updating the department's website to make it more "user friendly."
- Providing speakers for presentations on human rights to various groups and associations throughout the state.
- Hosting booths to disseminate educational materials on human rights at conferences.
- Sponsoring events focusing on human rights.
- Emphasizing education as part of the conciliation process.

Trends

The number of human rights and housing discrimination cases handled by the department continues to increase. Projections based on cases closed to-date indicate that the department will close more discrimination cases in the 2007-09 biennium than in any previous biennium. While employment discrimination and public service/public accommodation cases show only moderate projected increases, housing discrimination cases are projected to have significant increases (over 30%) in the number of cases closed during the current biennium.

The department currently has the authority to investigate discrimination alleged in the areas of: employment, housing, public service, public accommodations and credit transactions. The protected categories vary depending on whether the allegations are made under the Human Rights Act or the Housing Discrimination Act. It is significant that the protected category most frequently identified by aggrieved persons as the underlying reason for the alleged discrimination for all areas investigated by the department is disability.